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Judge: Hon. Marc L. Barreca
Chapter: 7
Hearing Date: September 13, 2012
Hearing Time: 9:30 a.m.
Hearing Location: 700 Stewart St.
Room 7106
Seattle WA 98101

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

In re ADAM GROSSMAN Debtor,	NO. 10-19817 TSAI LAW COMPANY'S REPLY TO LYMAN OPIE'S RESPONSE RE: CLAIM NO. 16-1

1. Mr. Opie offers no new evidence that the $20,000 payment of Debtor's attorneys fees was in fact a loan.

Tsai Law Company disputes Lyman Opie's contention that the $20,000 paid to Tsai Law Company on Debtor's account was a loan to Debtor. As was argued by Tsai Law Company in the Trustee's motion to disgorge the $20,000 on March 2, 2012, Mr. Opie paid the $20,000 to Mr. Grossman in October, 2010, fully three and a half months after the maturity date on the note, which was dated June 25, 2010 (Documents 324 and 325).

The Court denied the Trustee's motion without prejudice, stating that the issue could be revisited at a later date. However, Mr. Opie does not offer any new evidence to support his contention that the $20,000 was a loan.

The note (Document 537, pg. 23-24) was extendible only in writing by the parties. There is no evidence of a written extension of the note. Nor does Mr. Opie shed any light in his declaration (Document 537) as to why he would lend Grossman an additional $20,000 after $185,000 was already overdue and payable. Nor does Mr. Opie offer any evidence whatsoever of communication between himself and Debtor stating that the $20,000 was a loan.

The one communication between Mr. Opie and Tsai Law Company is an e-mail attached hereto wherein Mr. Opie states that $20,000 is being sent for Adam Grossman's account. The screen shot of the transaction sent by Mr. Opie to Ms. Tsai (attached) does not refer to a loan but references "acct of Adam Grossman" in the memo portion. A copy of the check produced by Mr. Opie (Document 537, page 13) also references "Acct of Adam Grossman".

In short, the documents make it appear unlikely that the $20,000 was a loan because the word "loan" is not on the check or any communications referenced by the parties, and the note itself was in default. Mr. Opie does not provide any additional evidence as to why the $20,000 claimed advance was made after default, nor does he offer any further evidence that proves that the $20,000 was in fact a loan to Grossman. Due to the lack of additional evidence offered by Mr. Opie, Tsai Law Company requests that the Court sustain the Trustee's objection to Claim No. 16-1.

Dated this 10th of September, 2013

John H. O'Rourke WSBA 21615
Attorney for Tsai Law Company

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From: Lyman C. Opie [l.c.opie@verizon.net]
Sent: Thursday, October 07, 2010 9:53 AM
To: Emily Tsai
Cc: arg@adamreedgrossman.com
Subject: Payment for Adam Grossman's account
Attachments: argpayment.jpg

Dear Ms. Tsai,

Please find attached a screenshot from my on-line bill payment system, reflecting a payment in the amount of $20000 that I have sent you for Adam Grossman's account. The check should reach you in three business days or so.

Please don't hesitate to contact me if you have any questions.

Very truly yours,

Lyman C. Opie
781-856-5773

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u've paid the following bills. If you want to keep any additional information on file with the bill, click the **Note** link.

r Name	Account	Amount	Pay Date	Confirmation		
Law	CIRCLE GOLD CHECKING WITH INT x39127	$20000.00	10/13/2010	BNDF8-ZCMK1	acct of Adam Grossman	Not
	Total:	$20,000.00				

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